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16 CONTRA COSTA COUNTY

17 **UNITED STATES DISTRICT COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA**

19
20 RETIREE SUPPORT GROUP OF CONTRA
21 COSTA COUNTY,

22 Plaintiff,

23 v.

24 CONTRA COSTA COUNTY,

25 Defendant.

CASE NO. C 12-00944 JST

**STIPULATION RE PRODUCTION OF
CLOSED SESSION RECORDS
WITHOUT PREJUDICE TO CLAIMS OF
PRIVILEGE AND ~~[PROPOSED]~~ ORDER**

Judge: Hon. Jon S. Tigar

26
27 WHEREAS, Defendant has withheld from production documents on grounds including
28 that the records from closed sessions of the Defendant's Board of Supervisors are exempt from

STIPULATION RE PRODUCTION OF CLOSED SESSION RECORDS WITHOUT PREJUDICE AND TO
CLAIMS OF PRIVILEGE AND ~~[PROPOSED]~~ ORDER

1 disclosure under Federal and State law under the deliberative process privilege and State law
 2 pursuant to the Ralph M. Brown Act, Government Code section 54950 *et. seq*, including section
 3 54957.6. ("Privilege Claims");

4 WHEREAS, Plaintiff and Defendant dispute the applicability and extent of these privileges
 5 in this case, including the Brown Act, but wish to narrow the parties' disputes to the extent
 6 possible;

7 WHEREAS, Defendant is willing to produce some closed session and other materials
 8 under the parties' Protective Order upon the conditions that Defendant's productions do not
 9 constitute a waiver of any kind and are without prejudice to its Privilege Claims and applicability
 10 of the Brown Act and that County retains the right to object to any use of the records in and during
 11 a deposition, motion or at trial on the grounds of its Privilege Claims;

12 WHEREAS, so long as Plaintiff retains the claims and arguments it has before production,
 13 Plaintiff is willing to agree that County's production of closed session and other records is made
 14 without prejudice to the County's Privilege Claims concerning the disclosed record and that
 15 County retains the right to object to any use of the record in and during a deposition, motion or at
 16 trial on the grounds of privilege, and that Plaintiff may not use the disclosed record or its content
 17 to argue that additional undisclosed closed session records or testimony about deliberations in
 18 closed session are discoverable or not privileged.

19 NOW, THEREFORE, in order to narrow the scope of the parties' discovery disputes,
 20 expedite discovery, and prepare for trial, the parties, through their respective attorneys, agree as
 21 follows:

22 1. The documents produced pursuant to this Stipulation will be governed by the terms
 23 of this Stipulation and Order and the Protective Order entered in this case on August 22, 2014
 24 (Docket Number 80);

25 2. To the extent Defendant produces closed session or other records under the
 26 Protective Order, Defendant's production of such records does not waive its Privilege Claims or
 27 confidentiality as to the document or the confidentiality of any such proceeding and its disclosures
 28 are without prejudice to Defendant's Privilege Claims which it may assert later in or during

1 depositions, motions, and at trial;

2 3. Plaintiff does not waive and preserves any claim it has that closed session records
3 are discoverable. However, Plaintiff may not use the disclosed closed session records or their
4 content to argue that additional undisclosed closed session records or testimony about
5 deliberations in closed session are discoverable.

6 SO STIPULATED:

8 DATED: July 14, 2014

LEWIS, FEINBERG, LEE, RENAKER &
JACKSON, P.C.

10 By: /s/
11 NINA WASOW

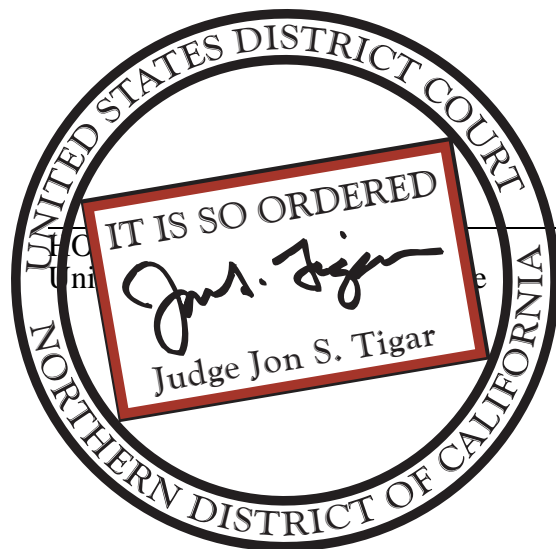
13 DATED: July 14, 2014

HANSON BRIDGETT LLP

15 By: /s/
16 RAYMOND F. LYNCH

18 **IT IS SO ORDERED.**

20 Dated: July 16, 2014



SIGNATURES UNDER GENERAL ORDER NO. 45

Pursuant to General Order No. 45 of the United States District Court, Northern District of California, I, Raymond Lynch—the ECF User whose User ID and Password are used in the filing of this document—hereby attest that the concurrence to the filing of this document has been obtained from each of the other signatories to this document.

/s/ _____
Raymond Lynch